

TSMC-00-023



April 22, 2002

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To: Commissioner of Patents and Trademarks

Washington, D.C. 20231

Attn: Art Unit 1746 - M. Kornakov

From: George O. Saile, Reg. No. 19,572

20 McIntosh Drive

Poughkeepsie, N. Y., 12603

RECEIVED
MAY 08 2002
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Subject: | Serial No.: 09/629,213 07/31/00 |

Chie-Chi Chen

PHOTORESIST STRIPPER USING
NITROGEN BUBBLER

| _ Art Group: 1746 M. Kornakov _ |

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election Requirement in the Office Action dated 03/25/02. In that Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on April 25 2002.

Stephen B. Ackerman, Reg.# 37761

Signature/Date

4/25/02

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 1-10 to an apparatus for fluid application to a plurality of substrates, classified in Class 134, subclass 198 and Group II-Claims 11-17 to a process, classified in Class 134, subclass 2.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group II - Claims 11-17 drawn to a process classified in Class 134, subclass 2. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "an apparatus for fluid application to a plurality of substrates having surface patterns with prominent sidewalls" and the process Claims are directed to "a method for removing organic materials from a plurality of substrates having surface patterns with prominent sidewalls", it is necessary to obtain claims in both the

product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass 134/2 and products class 134/198 in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "the apparatus as claimed can be used to practice another and materially different process. (MPEP 806.05(e)). In this case the apparatus as claimed can be used for etching, pickling or surface modification of different substrates", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,

A handwritten signature in black ink, appearing to be 'SBA', with a long horizontal flourish extending to the right.

Stephen B. Ackerman, Reg. #37761